

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICK GUILLORY,

Plaintiff,
v.

**9:12-CV-1771
(FJS/DEP)**

**MAUREEN BOLL, Deputy Commissioner and Counsel,
Department of Corrections and Community Supervision;
and B. JOHNSTON, Lieutenant, Bare Hill Correctional
Facility,**

Defendants.

APPEARANCES

PATRICK GUILLORY

09-B-0714

Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953
Plaintiff *pro se*

OF COUNSEL

**DOUGLAS J. GOGLIA, AAG
KELLY L. MUNKWITZ, AAG**

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendants

SCULLIN, Senior Judge

ORDER

On June 3, 2013, Plaintiff filed a motion for recusal, *see* Dkt. No. 39, and a letter motion requesting that this Court remove Magistrate Judge Peebles from this action, *see* Dkt. No. 40. In a Text Order dated June 4, 2013, Magistrate Judge Peebles denied Plaintiff's motion for recusal and explained, in great detail, the nature of and reason for the Court's communication with the

Attorney General's office. *See* Dkt. No. 41. On June 10, 2013, Plaintiff filed an appeal from Magistrate Judge Peebles' Text Order. *See* Dkt. No. 42.

The Court has reviewed the entire record in this matter and has carefully considered Plaintiff's accusations regarding the basis for the Court's communication with the Attorney General's office and concludes that Magistrate Judge Peebles did not engage in or instruct court personnel to engage in **any** improper *ex parte* communications with the Attorney General's Office. To the contrary, given the procedural nature of this communication, Magistrate Judge Peebles handled this situation appropriately and in accordance with this Court's practice.

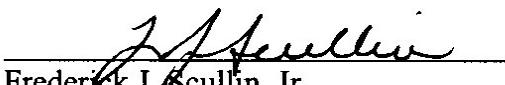
Accordingly, the Court hereby

ORDERS that Plaintiff's appeal from Magistrate Judge Peebles' June 4, 2013 Text Order is **REJECTED** and that Text Order denying Plaintiff's motion for recusal, *see* Dkt. No. 39, is **AFFIRMED**; and the Court further

ORDERS that Plaintiff's letter motion requesting that this Court remove Magistrate Judge Peebles from this action, *see* Dkt. No. 40, is **DENIED**.

IT IS SO ORDERED.

Dated: June 11, 2013
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge